

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1024 OF 2019
WITH
CRIMINAL APPLICATION NO. 1025 OF 2019
IN
CRIMINAL APPEAL NO. 891 OF 2019**

Shyam Dattaram Dhanavade ... Appellant/Applicant
V/s.
Karishma Vishnu Patil and Anr. ... Respondents

Mr. P.C. Mohite for the Appellant/Applicant.
Mr.Y.M. Nakhwa-APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATED : 14TH AUGUST, 2019.**

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon the applicant by the Special Judge, Greater Bombay in Sessions Case No. 68 of 2015, vide judgment and order dated 30th April 2019, thereby convicting the applicant for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for three years and to pay a fine of Rs. 20,000/-, in default, he shall suffer further S.I. for 30 days. The applicant is also convicted for the offence punishable under section 506 of the Indian Penal Code and sentenced to suffer R.I. for one year

and to pay a fine of Rs. 5000/-, in default, to suffer S.I. for 8 days.

3. The sentence imposed upon him is short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. Therefore, the applicant is entitled to the extension of the same relief during the pendency of the appeal. Hence, the following order:-

ORDER

- i) The Criminal Applications are allowed.
 - ii) The substantive sentence imposed upon the applicant vide judgment and order dated 30th April 2019 by the Special Judge, Greater Bombay is hereby suspended.
 - iii) The applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and one or more sureties in the like amount.
 - iv) The applicant shall cause his presence before the the Special Judge, Greater Bombay once in six months on the date assigned by the the Special Judge, Greater Bombay.
 - v) Upon failure to attend any two consecutive dates, the the learned the Special Judge, Greater Bombay shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
 - vi) The applications stand disposed of.
5. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)